

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Lorraine E. Pena, *et al.* ) DOCKET NO.: C-3528/2/US  
SERIAL NO.: 10/072,493 ) GROUP ART UNIT: 1615  
FILED: February 5, 2002 ) EXAMINER: Unknown  
TITLE: COMPOSITION FOR RECTAL DELIVERY OF AN OXAZOLIDINONE  
ANTIBACTERIAL DRUG  
DATE: July 18, 2002

COPY OF PAPER  
ORIGINALLY FILEDCERTIFICATE OF MAILING

I hereby certify that this Response to Notice to File Missing Parts and recited enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on July 18, 2002.

*Bernadette Y. Harper*  
Bernadette Y. Harper

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, DC 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

Applicants received a Notice to File Missing Parts of Nonprovisional Application, dated April 11, 2002, indicating that an oath or declaration must be furnished. Applicants enclose herewith a fully executed Declaration and Power of Attorney. All required parts of the subject application have now been submitted in accordance with 35 U.S.C. §111(a).

This response is made on July 18, 2002, which is not within the two month period set for response. Petition is hereby made for an extension of time of two months within which to respond to the Notice to File Missing Parts.

Please charge the following fees to Deposit Account No. 21-0718:

- (1) \$130.00 or the sum required under 37 C.F.R. §1.16(e) as the surcharge for filing the oath or declaration on a date later than the filing date of the application; and
- (2) \$400.00 or the sum required under 37 C.F.R. §1.17(a)(1) as the extension fee for filing within two months after the due date for the present response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen B. King". The signature is fluid and cursive, with a large, stylized "K" and "B".

Karen B. King  
Attorney for Applicants  
Registration No. 41,898  
Tel. (847) 581-6996

Address correspondence to:  
Pharmacia Corporation  
Corporate Patent Department  
800 N. Lindbergh Boulevard – O4E  
St Louis, MO 63167

Enclosures  
Fee Transmittal Form  
Declaration and Power of Attorney  
Copy of Notice to File Missing Parts of Nonprovisional Application

<b>FEE TRANSMITTAL</b> for FY 2002 <i>Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
		Application Number	10/072,493
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	February 5, 2002
		First Named Inventor	Lorraine E. Pena
TOTAL AMOUNT OF PAYMENT		Examiner Name	Unknown
		Group Art Unit	1615
		Attorney Docket No.	3528/2/US

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)																																																																																																																													
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>																																																																																																																													
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 21-0718 Deposit Account Name: Pharmacia & Upjohn Company		<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105 130</td><td>205 65</td><td>Surcharge - late filing fee or oath</td><td>130.00</td></tr><tr><td>127 50</td><td>227 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139 130</td><td>139 130</td><td>Non - English specification</td><td></td></tr><tr><td>147 2,520</td><td>147 2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>112 920*</td><td>112 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113 1,840*</td><td>113 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115 110</td><td>215 55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116 400</td><td>216 200</td><td>Extension for reply within second month</td><td>400.00</td></tr><tr><td>117 920</td><td>217 460</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118 1,440</td><td>218 720</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128 1,960</td><td>228 980</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119 320</td><td>219 160</td><td>Notice of Appeal</td><td></td></tr><tr><td>120 320</td><td>220 160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121 280</td><td>221 140</td><td>Request for oral hearing</td><td></td></tr><tr><td>138 1,510</td><td>138 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140 110</td><td>240 55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141 1,280</td><td>241 640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142 1,280</td><td>242 640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143 460</td><td>243 230</td><td>Design issue fee</td><td></td></tr><tr><td>144 620</td><td>244 310</td><td>Plant issue fee</td><td></td></tr><tr><td>122 130</td><td>122 130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123 50</td><td>123 50</td><td>Processing fee under 37 CFR § 1.17(q)</td><td></td></tr><tr><td>126 180</td><td>126 180</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>581 40</td><td>581 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146 740</td><td>246 370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149 740</td><td>249 370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>179 740</td><td>279 370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>169 900</td><td>169 900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="2">Other fee (specify)</td><td></td><td></td></tr><tr><td colspan="2">SUBTOTAL (3)</td><td></td><td>\$530.00</td></tr></tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath	130.00	127 50	227 25	Surcharge - late provisional filing fee or cover sheet		139 130	139 130	Non - English specification		147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 400	216 200	Extension for reply within second month	400.00	117 920	217 460	Extension for reply within third month		118 1,440	218 720	Extension for reply within fourth month		128 1,960	228 980	Extension for reply within fifth month		119 320	219 160	Notice of Appeal		120 320	220 160	Filing a brief in support of an appeal		121 280	221 140	Request for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,280	241 640	Petition to revive - unintentional		142 1,280	242 640	Utility issue fee (or reissue)		143 460	243 230	Design issue fee		144 620	244 310	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Processing fee under 37 CFR § 1.17(q)		126 180	126 180	Submission of Information Disclosure Statement		581 40	581 40	Recording each patent assignment per property (times number of properties)		146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))		179 740	279 370	Request for Continued Examination (RCE)		169 900	169 900	Request for expedited examination of a design application		Other fee (specify)				SUBTOTAL (3)			\$530.00
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\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Karen B. King	Registration No. (Attorney/Agent)	41,898
Signature	<i>Karen B. King</i>	Telephone	847-581-6996
		Date	7/18/02

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



JUL 2 4 2002  
PATENT OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/072,493	02/05/2002	Lorraine E. Pena	3528/2

Pharmacia & Upjohn Company  
Patent Department  
800 N. Lindbergh Boulevard - 04E  
St. Louis, MO 63167

**DOCKETED**  
  
APR 25 2002  
  
BY: \_\_\_\_\_  
DOCKETING DEPT.  
PHARMACIA

CONFIRMATION NO. 1201  
FORMALITIES LETTER  
  
\*OC000000007845014\*

Date Mailed: 04/11/2002

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**  
  
*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/26/2002 SDENBOB1 00000080 210718 10072493  
01 FC:105 130.00 CH